

REMARKS/ARGUMENTS

Claims 1-13 are currently pending. Claims 1 and 7 have been amended. No claims have been canceled. No new matter has been added. Claims 1-13 will remain pending in this application.

Telephone Conferences

The Applicant thanks Examiner Simpson for the interview conducted on December 7, 2009. During this interview, Examiner Simpson and the Applicant's representatives (John Gatz and Brad Taub) discussed proposed claim amendments. Specifically, amendments to independent claims 1 and 7 were discussed to include that the secondary spring is adjacent to and between the retainer and the internal surface of the movable housing at the first end of the movable housing in response to the lancing mechanism being in the resting position, the cocking position, and the puncture position. Examiner Simpson indicated that the proposed amendments would overcome the art of record.

The Applicant also thanks Examiner Nguyen for the conference call on December 28, 2009. Examiner Nguyen suggested filing an RCE to enter the claim amendments. Examiner Nguyen also confirmed that the proposed amendments would overcome the art of record.

Request for Continued Examination

The Applicants are concurrently filing a Request for Continued Examination ("RCE") that accompanies this response.

Claim Rejections – 35 U.S.C. § 102 and § 103

Claims 7-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,517,978 ("Levin"). Claims 1-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levin in view of European Patent No. EP0898936 ("LeVaughn").

Independent Claims 1 and 7

Independent claim 1 and independent claim 7 have been amended to recite "in response to the lancing mechanism being in the resting position, the cocking position, and the puncture position." As discussed above, such an element is not disclosed, taught, or suggested in the art of record. Thus, for at least this reason, independent claims 1 and 7 are not anticipated by or rendered obvious over Levin, LeVaughn, or the combination thereof.

Dependent Claims 2-6 and 8-13

Claims 2-6 depend from independent claim 1. Claims 8-13 depend from independent claim 7. Thus, for at least the same reasons discussed above in reference to independent claims 1 and 7, dependent claims 2-6 and 8-13 are not anticipated by or rendered obvious over Levin, LeVaughn, or the combination thereof.

CONCLUSION

The Applicants submit that the claims are in a condition for allowance and action toward that end is earnestly solicited. The Commissioner is authorized to deduct \$1,110.00 for a three-month extension of time, and \$810.00 for the Request For Continued Examination. Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody Deposit Account No. 50-4181, Order No. 247082-000155USPX.

Respectfully submitted,

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